

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action issued July 10, 2007.

Claims 1-5 are pending in the Application after the present Amendment. Claims 1-5 were rejected in the Office Action. Applicant amended Claims 1-5 and respectfully requests a reconsideration of the rejection.

Priority

The Examiner noted the claimed subject matter is disclosed in German Patent Application No. 102004057775.7, filed November 30, 2006, and requested Applicant to amend its claim of priority to include this German Application. However, present Application is a National Stage U.S. Application of a PCT Application No. PCT/SE2004/001304, filed September 10, 2004, which claimed priority to a Swedish Patent Application No. 0302638-2, filed October 6, 2003. Claim of priority for the above two applications has been inserted into the specification by the Preliminary Amendment of April 4, 2006. Accordingly, the German Application is not a “prior application” for the present U.S. Application and the claim of priority should not be amended.

Drawings

The Examiner objected to the drawings of the present Application because they include a reference character 40 which, according to the Examiner, is not mentioned in the description. Applicant respectfully disagrees and directs the Examiner’s attention to page 3, line 14 of the specification disclosing “an underlying surface 40.” Accordingly, the objection to the drawings should be withdrawn.

Specification

In the Office Action, the Examiner objected to the specification of the present Application because “each appropriate subtitle should be inserted at each related paragraph.” Applicant respectfully notes that all appropriate subtitles were inserted into the specification by the Preliminary Amendment of April 4, 2006. The Examiner is encouraged to contact the undersigned attorney by telephone if the Examiner believes that a further correction is necessary.

The Examiner also objected to the Abstract of the disclosure. Applicant amended the Abstract in accordance with the Examiner’s requirement.

Claim Rejections

Claims 3 and 5 were rejected in the Office Action under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement because the disclosure did not include a reference to the 20-70 degrees inclination of the plane of the second opening with respect to the longitudinal axis of the handle. Applicant cancels the above limitations from Claims 3 and 5, without prejudice.

Claims 1-5 were rejected in the Office Action under 35 U.S.C. §112, second paragraph, as indefinite. Applicant corrected the indefinite language pointed out by the Examiner. Accordingly, Claims 1-5 now comply with the requirements of 35 U.S.C. §112.

Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by Christle (U.S. Patent No. 3,046,044). Claims 3 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Christle.

Claim 1, as amended, recites a golf ball retrieval tool having a handle 1 and a cage 20. Cage 20 includes a first section 21 located near a connection between the cage and the handle, a second section 22 distanced from the handle, and a wedge-shaped roof 42. The first cage section 21 has a first opening 31 located opposite to the roof of the cage and dimensioned to freely receive a golf ball 3. The second cage section 22 includes a second opening 33 having a diameter smaller than a diameter of the golfball thus forcing a ball seating retaining the golfball therein. However, the diameter of the second opening 33 can be enlarged by pressing the golfball 3 into the second opening from the outside. Finally, the wedge-shaped configuration of the roof 42 drives the golfball 3 received through the first opening 31 into the ball seating when the cage is vertically pressed against the golfball.

Contrary to the recitation of the amended Claim 1, Christle discloses a golf ball retrieving device having a single opening at the bottom of the basket (i.e., cage) 10. This opening has a diameter smaller than the diameter of the ball but can be enlarged by pressing the ball into the opening from the outside and thus opening the gate 24. As shown in Fig. 3 of Christle, after the ball passes through gate 24, the gate closes trapping the ball within the smaller opening. Thus, the single bottom opening in the basket 10 of Christle serves as an entry opening for the ball and the ball seating. Christle does not disclose or suggest having a second opening at the front

portion of the basket that would form a ball seating or a wedge-shaped roof which would drive a golf ball into such frontal ball seating when the cage is vertically pressed against the ball. In fact, as the basket 10 of Christle is vertically pressed against the ball, the roof structure 18 drives the ball downwardly against the closed gate 24 at the bottom of the basket. Accordingly, the above limitations of the amended Claim 1 are not disclosed in Christle.

Claim 1 is allowable over the cited prior art. Claims 2-5 depend directly or indirectly from Claim 1. Therefore, Claims 2-5 are allowable at least for the same reasons as Claim 1 and, further, on their own merits.

Favorable reconsideration of the rejections and allowance of all pending claims is respectfully requested.

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EFS FILING SYSTEM ON October 10, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert C. Faber", written over a horizontal line.

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